

APR 30 2012

FCC Mail Room

April 24, 2012

Petition to FEDERAL COMMUNICATIONS COMMISSION
To grant a revised closed captioning compliance schedule.
Ref Case Identifier: CGB-CC-0029

Please consider this letter as petition, and request for approval for a "schedule of compliance" regarding the closed captioning requirement for TROUT TV show, formerly called *Columbia Country, produced by my company, Sun West productions. To date the show has been exempt from captioning under a previous petition filed January, 2006 under the 79.1 "undue burden".

Financially, our situation is more tenuous than when our first petition was filed. We have less income, i.e. sponsors and little encouragement that the financial fortunes of our sponsors or prospective sponsors will improve in the near future. Considering the realities of our current situation it would most certainly be an "undue burden" for us to generate closed captioning on our programming at present. Therefore we ask that the commission consider and grant approval for the following plan of compliance:

PLAN OF COMPLIANCE

We (TROUT TV) ask for a limited exemption plan that would extend our exempt status through the year 2014. This will give us time to try to rebuild our sponsor base and income to a profitable level. If, starting in broadcast season 2015, we are unable to deliver closed captioning in all our outbound programming; we agree to cease production and distribution of the show entirely.

RELEVANT FACTS

1. TROUT TV is regional sport fishing show featuring venues of the Pacific Northwest.
2. TROUT TV is produced by Bob and Barbara Asbury (23245 E Settler Drive - Liberty Lake WA 99019) under my production company called Sun West productions.
3. TROUT TV is distributed on about 30 broadcast stations in and around the greater Pacific Northwest.
4. The show is 95% un-scripted consisting of live audio with fishing guides and fisherman.
5. The episode schedule requires about 26 original episodes per year.
6. The show is distributed to stations on DVD format.
7. The producer of TROUT TV does not have the technical (editing/embedding software) capabilities to generate closed captioning.
8. Yearly net income generated from TROUT TV is less than \$50,000.
9. The show provides the primary income for its producer Bob Asbury (Liberty Lake Washington) and supplementary income for part-time host, Hilary Hutcheson, and Rich Birdsell (both of Kalispell Montana).

CAPTIONING COSTS

10. The cost for closed captioning (out of house) has been quoted at \$275-to \$350 per episode. A minimum yearly cost of approximately \$7,000.00

11. Option-2, (our plan of compliance) Installation of equipment and software to generate closed captioning (in-house) quoted @\$4,200 by C-Caption Inc. There is another cost to implement this option, I would need to upgrade my edit system (currently CS5) to Adobe Premiere CS5.5, a cost of about \$1,500.00.

12. In addition to the financial obstacles listed in paragraphs 8, 10 and 11 there are the logistics of distribution. TROUT TV programs are shot and edited a year in advance. All shows for 2012 broadcast season are edited and mastered. It would be extremely costly and time prohibitive to attempt to re-edit and distribute these episodes.

Simply stated, we have not the financial nor human resources to absorb the inherent costs and logistics required for closed captioning at present.

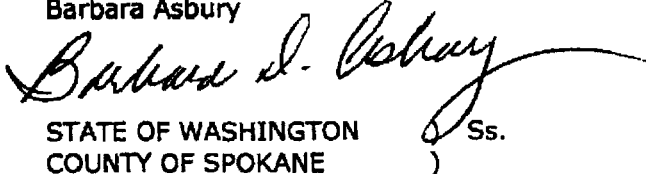
WHEREFORE petitioners request that the FCC take into consideration the above stated facts with regards to the TROUT TV fishing show and grant us permission to attain full compliance following the schedule suggested above. If this schedule of compliance cannot be granted, we request that our program retain an exempt status until the end of our current broadcast season of 2012 allowing us to close down the show without defaulting on our obligation to sponsors and partners in production.

*Show name, COLUMBIA COUNTRY was changed to TROUT TV in May 2010. This was filed with the FCC on May 10, 2010. REF letter to: Amelia Brown dated May 10, 2010.

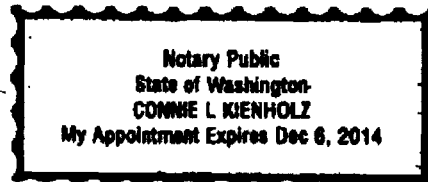
Bob Asbury



Barbara Asbury

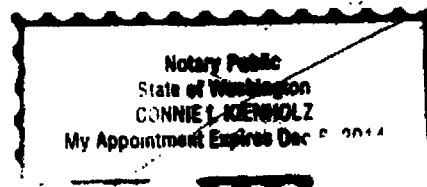


STATE OF WASHINGTON)
COUNTY OF SPOKANE) Ss.



On this 24th day of April, 2012, before me a Notary Public in and for said state, personally appeared Bob and Barbara Asbury, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same for the purpose therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Liberty Lake, Washington, the day and year first above written.



SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2011

Attachment
Sequence No. **09**

Department of the Treasury
Internal Revenue Service (99)

► For information on Schedule C and its instructions, go to www.irs.gov/schedulec.
► Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.

Name of proprietor ROBERT ASBURY		Social security number (SSN) [REDACTED]
A Principal business or profession, including product or service (see instructions) 47290		B Enter code from instructions ► 512100
C Business name. If no separate business name, leave blank. SUNWEST FILMS		D Employer ID number (EIN), (see instrs)
E Business address (including suite or room no.) City, town or post office, state, and ZIP code		
F Accounting method: (1) <input checked="" type="checkbox"/> Cash (2) <input type="checkbox"/> Accrual (3) <input type="checkbox"/> Other (specify) ►		
G Did you 'materially participate' in the operation of this business during 2011? If 'No,' see instructions for limit on losses.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
H If you started or acquired this business during 2011, check here.		<input type="checkbox"/> Yes <input type="checkbox"/> No
I Did you make any payments in 2011 that would require you to file Form(s) 1099? (see instructions).		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
J If 'Yes,' did you or will you file all required Forms 1099?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Income

1a Merchant card and third party payments. For 2011, enter -0-	1a	0.
b Gross receipts or sales not entered on line 1a (see instructions)	1b	47,290.
c Income reported to you on Form W-2 if the 'Statutory Employee' box on that form was checked. Caution. See instructions before completing this line.	1c	
d Total gross receipts. Add lines 1a through 1c	1d	47,290.
2 Returns and allowances plus any other adjustments (see instructions)	2	
3 Subtract line 2 from line 1d.	3	47,290.
4 Cost of goods sold (from line 42)	4	
5 Gross profit. Subtract line 4 from line 3	5	47,290.
6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6	
7 Gross income. Add lines 5 and 6	7	47,290.

Expenses. Enter expenses for business use of your home only on line 30.

8 Advertising	8	3,674.	18 Office expense (see instructions)	18	
9 Car and truck expenses (see instructions)	9	14,130.	19 Pension and profit-sharing plans	19	
10 Commissions and fees	10		20 Rent or lease (see instructions):		
11 Contract labor (see instructions)	11	11,758.	a Vehicles, machinery, and equipment	20a	
12 Depletion	12		b Other business property	20b	
13 Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13	153.	21 Repairs and maintenance	21	
14 Employee benefit programs (other than on line 19)	14		22 Supplies (not included in Part III)	22	
15 Insurance (other than health)	15		23 Taxes and licenses	23	450.
16 Interest:			24 Travel, meals, and entertainment:		
a Mortgage (paid to banks, etc.)	16a		a Travel	24a	11,350.
b Other	16b		b Deductible meals and entertainment (see instructions)	24b	
17 Legal & professional services	17		25 Utilities	25	
			26 Wages (less employment credits)	26	
			27a Other expenses (from line 48)	27a	9,361.
			b Reserved for future use	27b	
28 Total expenses before expenses for business use of home. Add lines 8 through 27a	28	50,876.			
29 Tentative profit or (loss). Subtract line 28 from line 7	29	-3,586.			
30 Expenses for business use of your home. Attach Form 8829. Do not report such expenses elsewhere	30	1,283.			
31 Net profit or (loss). Subtract line 30 from line 29.					
• If a profit, enter on both Form 1040, line 12 (or Form 1040NR, line 13) and on Schedule SE, line 2. If you entered an amount on line 1c, see instructions. Estates and trusts, enter on Form 1041, line 3.					
• If a loss, you must go to line 32.					
32 If you have a loss, check the box that describes your investment in this activity (see instructions).					
• If you checked 32a, enter the loss on both Form 1040, line 12, (or Form 1040NR, line 13) and on Schedule SE, line 2. If you entered an amount on line 1c, see the instructions for line 31. Estates and trusts, enter on Form 1041, line 3.					
• If you checked 32b, you must attach Form 6198. Your loss may be limited.					
	31	-4,869.			

32a ☒ All investment is at risk.
32b ☐ Some investment is not at risk.

BAA For Paperwork Reduction Act Notice, see your tax return instructions.

FD120112L 10/25/11

Schedule C (Form 1040) 2011

SCHEDULE C
(Form 1040)

Profit or Loss From Business
(Sole Proprietorship)

OMB No. 1545-0074

2010

Department of the Treasury
Internal Revenue Service (99)

Partnerships, joint ventures, etc., generally must file Form 1065 or 1065-B.
Attach to Form 1040, 1040NR, or 1041. See instructions for Schedule C (Form 1040).

Attachment
Sequence No. **09**

Name of proprietor

ROBERT ASBURY

Social security number (SSN)

A Principal business or profession, including product or service (see instructions)

FILM PRODUCTION

B Enter code from instructions

512100

C Business name. If no separate business name, leave blank.

SUNWEST FILMS

D Employer ID number (EIN), if any

E Business address (including suite or room no.)

City, town or post office, state, and ZIP code

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify)

G Did you 'materially participate' in the operation of this business during 2010? If 'No,' see instructions for limit on losses. ☒ Yes ☐ No

H If you started or acquired this business during 2010, check here.

Income

1 Gross receipts or sales. **Caution.** See instructions and check the box if:

- This income was reported to you on Form W-2 and the 'Statutory employee' box on that form was checked, or
- You are a member of a qualified joint venture reporting only rental real estate income not subject to self-employment tax. Also see instructions for limit on losses.

1 63,284.

2 Returns and allowances

2

3 Subtract line 2 from line 1

3 63,284.

4 Cost of goods sold (from line 42 on page 2)

4

5 Gross profit. Subtract line 4 from line 3

5 63,284.

6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)

6

7 Gross income. Add lines 5 and 6

7 63,284.

Expenses. Enter expenses for business use of your home only on line 30.

8 Advertising **8** 399.

18 Office expense **18**

9 Car and truck expenses (see instructions) **9** 14,714.

19 Pension and profit-sharing plans **19**

10 Commissions and fees **10**

20 Rent or lease (see instructions):

11 Contract labor (see instructions) **11** 9,750.

a Vehicles, machinery, and equipment **20a**

12 Depletion **12**

b Other business property **20b**

13 Depreciation and section 179 expense deduction (not included in Part III) (see instructions) **13** 4,764.

21 Repairs and maintenance **21**

14 Employee benefit programs (other than on line 19) **14**

22 Supplies (not included in Part III) **22**

15 Insurance (other than health) **15**

23 Taxes and licenses **23**

16 Interest:

24 Travel, meals, and entertainment:

a Mortgage (paid to banks, etc.) **16a**

a Travel **24a** 11,025.

b Other **16b**

b Deductible meals and entertainment (see instructions) **24b**

17 Legal & professional services **17**

25 Utilities **25**

26 Wages (less employment credits) **26**

27 Other expenses (from line 48 on page 2) **27** 10,128.

28 Total expenses before expenses for business use of home. Add lines 8 through 27. **28** 50,780.

29 Tentative profit or (loss). Subtract line 28 from line 7. **29** 12,504.

30 Expenses for business use of your home. Attach Form 8829. **30** 9,763.

31 Net profit or (loss). Subtract line 30 from line 29.

- If a profit, enter on both Form 1040, line 12, and Schedule SE, line 2 or on Form 1040NR, line 13 (if you checked the box on line 1, see instructions). Estates and trusts, enter on Form 1041, line 3.
- If a loss, you must go to line 32.

31 2,741.

32 If you have a loss, check the box that describes your investment in this activity (see instructions).

- If you checked 32a, enter the loss on both Form 1040, line 12, and Schedule SE, line 2, or on Form 1040NR, line 13 (if you checked the box on line 1, see the line 31 instructions). Estates and trusts, enter on Form 1041, line 3.
- If you checked 32b, you must attach Form 6198. Your loss may be limited.

32a ☐ All investment is at risk.

32b ☐ Some investment is not at risk.

BAA For Paperwork Reduction Act Notice, see your tax return instructions.

Schedule C (Form 1040) 2010

FDZ0112L 12/27/10



Quote for Captioning your DVD

Maria T. Vondras <mtvondras@vicaps.com>

Wed, Apr 18, 2012 at 12:29 PM

To: trouttv@gmail.com

Cc: ccarlson@vicaps.com, tstthomas@vicaps.com, jrgramuglia@vicaps.com

Hello Bob,

It was a pleasure speaking with you earlier! Video Caption Corporation would be delighted to assist you with the closed captioning of your English language weekly 30 minute fishing show. As I understand it, you would supply your show to us on DVD or as a digital file. Our deliverable to you would be a Closed Captioned English DVD Master (Basic Roll Up Style Captions).

Pricing: \$310

Price includes transcription, Basic Roll Up Style closed captioning, authoring a DVD set to autoplay and disc stock. Standard turnaround for your project would be 3 business days. Faster guaranteed turnarounds are available for an additional charge. Please note for our weekly clients we do waive the occasional rush fee for an expedited 2 day turnaround. Shipping and handling would be extra.

I'll follow up with you tomorrow to discuss our quote and answer any questions you may have!

Best Regards,

Maria T. Vondras

Customer Service & Sales

*Capturing software quote*

CPC closed captioning

Jason Livingston <jason@cpcweb.com>
To: Bob Asbury <trouttv@gmail.com>

Wed, Dec 28, 2011 at 4:20 PM

Bob Asbury

Sun West Productions

(509) 939-3367

trouttv@gmail.com

Dear Bob Asbury,

In addition to the purchase of this software, I am informed that I would need to update my edit system from Adobe CS5 to Adobe CS5.5 a cost of \$1,500.00

Thank you for contacting us about our closed captioning and subtitling software. To create closed captioned DVDs, you'd need our WebPlus software which is \$3,995. We can offer some rent-to-own or monthly payment options if necessary. In the long run this will be much cheaper than paying a service to caption every episode of your show.

I am following up to see if you have any questions about how our software (<http://www.cpcweb.com/products/>) and services (<http://www.cpcweb.com/services/>) can save you time and money while providing solutions for your closed captioning needs. Please feel free to call or e-mail me if you have any questions.

Automatic Time Stamp (ATS)

We have an exciting new Add-on called ATS (Automatic Time Stamp). It saves you enormous amount of time by having speech recognition technology do the timing automatically. For details, click on www.cpcweb.com/ats.

Free demo software:

We encourage you to try out our free demo software (<http://www.cpcweb.com/demo/>), which

will show you how powerful and easy it is to use. You might also want to watch some of our video tutorials (<http://www.cpcweb.com/tutorial/>) which demonstrate many of the capabilities that are available in our software.

Live online demo:

If you would like us to walk you through the demo software, please let us know. We can even connect to your computer and remotely demonstrate the software on your computer screen via the internet.

Our Customers:

CPC's software is used by Apple, Google, Microsoft, Verizon, NBC Universal, Fox, Sony Pictures, and many others.

Closed Captioning & Subtitling Service:

If you decide that our software is not for you, we also have a closed captioning & subtitling service department (<http://www.cpcweb.com/services/>) that can do all of the captioning work for you, and simply e-mail you a file that adds closed captions or subtitles to your media. And if you're not sure whether software or service is right for you, we have a software vs. service comparison (<http://cpcweb.com/softwarevsservice/>) page.

For over 25 years, CPC has been meeting the closed captioning needs of thousands of organizations, both large and small. Our captioning software and services bring you the benefits of that long experience. Most importantly, with an unequalled history of captioning software breakthroughs, your CPC software will never become obsolete.

We look forward to providing solutions for your closed captioning needs.

Best regards,

Jason Livingston

jason@cpcweb.com

"Closed Captioning: It's the Law"